[Despatch Abstract.]

Govt. of Madras

Lodged
48391 F/52
24.7.52.

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29/7

FOR MYSORE STATE

[Despatch Abstract.]

Govt. of Madras

Received
48391 F/52
24.7.52.

Passed
24/7/52

FOR MYSORE STATE

REVENUE DEPARTMENT.
Subject.

ASSIGNMENT - Land (Bellary) Taluk - ~~Reserving~~ Mac[illegible] Village, R.S.Nos.25, 26 etc. - Revision Petition. ~~Dismissed~~

Station: M a d r a s. Ref.No.B.5774/52/1. [illegible]2.

From Sri A.F. Mascarenhas, I.A.S., Secretary.
Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

Read: Petition from Sri ... Chennaveerappa (~~Chandarappa~~ and others) dated 21.6.52.

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REFERENCE

**** ***** **** ****

" " " " " " " "

3. A copy of the revision petition is submitted to the Government. The further proceedings in the matter have been stayed by the Board as it is considered likely that eviction of the crops alleged to have been planted by the Petitioners would ~~cause~~ hardship to them.

for SECRETARY.

To
The Collector of Bellary with a petition and enclosures in original (Paras 1 & 2)
The Petitioner THRO' Counsel Sri P.C. Sarangapani Advocate, Bombay Mutual Buildings, 378, Esplanade, Madras (Para 2 only)
The Secretary to Government Revenue Department with a copy of petition (Para 3)

SRD.10/7

Copy of the petition dated 21.6.52, from Sri Chnnaveerappa & others.

Sub: Assignment - Lands - Bellary District - Rayadrug Taluk - Machiri village - S.Nos. 25, 26 etc. - appeal petition - against the orders of the Collector, Bellary D.Dis.C.No.3595/52, L.1. dated 14.5.52.

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The Petitioners noted below are all of Siddapuram village, Molakalmuruvu Taluk, Chitteldrug District, of Mysore State.
1. Channaveerappa, 2) Obalesappa (Harijan), 3) Uruga, 4) Honnuruga 5) Agaluruppa, 6) K. Thippaga, (Harijan), 7. Rudrappa, 8. Gadeppa, 9. Ganganna 10. Kunti Thippaga (Harijan).
The Petitioners above named submit as follows:-

2). The petitioners have been in possession and enjoyment of the lands which are assessed waste lands of Machiri village, Rayadrug Taluk of Bellary District. The extent cultivated by them is about 130 acres and the occupation is more than 10 years. These petitioners are land less poor ryots as defined in G.O.Nos.1525/49. A large amount was spent towards the improvement of these lands. These lands would have been assigned to the petitioners, had it not been for the fact that there was ban on assignment.

3. About three months ago, some Harijans of Machiri village, with the instigation and support of one Mr. Motappa, applied for the assignment of the lands which are under the possession and enjoyment of the petitioners. This was done only to harass the petitioners who are at Enemical terms with Motappa. Even among ~~the petitioners~~ there are three Harijans. The remaining petitioners, ~~belong~~ to Back-ward Classes.

4. The order of the District Collector, to evict the petitioners and assign the lands to the Harijans of Machiri village, is not just and reasonable and the petitioners are very much hard hit by the said order and the petitioners are very much hard hit by the said order and the petitioners will be left helpless without lands.

P.T.O.

5. An extent of 300 acres of land is under the Sivoijnma ϕ occupation of the ryots of Machiri village, who own vast extents of Patta lands. If the Harijans really needed the lands, these big ryots possessing vast extent of Patta Lands, could have been evicted. The petitioners, though according to G.O.Nos.999/48 d/ 28.4.48, cannot be dis-possessed, the Collector has been planned to order the eviction of the squatters.

6. The Collector has passed orders twice in the matter, but they were not communicated to the petitioners. They were thus kept in dark and could not prefer an appeal against the orders of the Collector. The lands have been sown with Cholam and Castor seeds. On 25.5.52, about 50 Harijans with the help of the said Motappa, attacked the petitioners. Subsequently, the Tahsildar of Rayadrug, visited Machiri village and said that he has taken possession of the lands. The petitioners represented, to the Chief Minister, and the Board of Revenue, regarding the injustice done to them.

7. The Collector of Bellary has been misled by the Dist. Welfare Officer, Bellary and the orders of the Collector are based on an oral incorrect information furnished by the District Welfare Officer. The following will convince the Board, that the District Welfare Officer has gone out of the way.

i) He represented to the Collector that Mysore State people cannot have preference over Madras State People.

ii) That the petitioners possess sufficient Patta Lands.

iii) That there is an extent of 152 acres of Government Land available in Siddapuram Village for assignment.

iv) That para 8 of G.O.Non.1523/49 lays down that non-Locamen are not eligible for assignment.
The petitioners submit that according to B.S.O.15 Para 3 (i) all subjects of a British State or Indian States are eligible for assignment. After the merger of the States the two words mean "Indian Union". So any subject of an Indian Union is entitled for grant of land under B.S.O.15. The Mysore State people are not dis-qualified for assignment of land in Madras State. The petitioners do not possess lands more than the limit prescribed in the G.O. The District Welfare Officer, being the responsible Officer, should have made a reference to the Tahsildar of Molakalmuruvu and ascertained the correct information. The Collector of Bellary has accepted the hear..say evidence and also admitted it

8. As per para 3(i) of G.O.No.1523/49, lands under the occupation of land-less poor have to be assigned to the occupiers of the lands irrespective of the fact whether the occupiers are Local men or not. Certain Government lands are included in Block-list, some are reserved for Depressed Classes, and some for other public purposes. All such lands are not available for assignment. A land reserved for a Depressed Class member, can only be assigned to a Depressed Class member. Similarly, the land under Sivoijnma occupation by landless poor can only be assigned to them as per para 3(i) of the G.O. So the lands under Sivoijnma occupation by land less poor are reserved to them as per para 3(i) and are therefore not available for assignment to others. Either to assign a land or to give preference to a Local man, the land must be available for assignment.

Originally before the receipt of the G.O.No.1523/49 all classes of men, whether landless poor or not were entitled for assignment of lands. After the receipt of the G. O.No.1523/49, the assignment of land is restricted to three classes of men (1) Political sufferers.(2)/service men (3) Landless poor including Harijans. According to G.O.No.1523/49, the only classes of lands available for assignment are.

i) All waste lands at the disposal of the Government.
ii) All Govt. lands cultivated by ryots owning Patta Lands more than the extent prescribed in the G.O.i.e. 10 acres, of dry or 5 acres of wet. Other lands are not available for assignment to persons other than those to whom the are intended.

While making assignment of lands mentioned above, the rules pres- P.T.O

prescribed in B.S.O.15 para 10 have to be observed in the matter of giving preference to Local man. The last sentence of this para clearly lays down that preference to a Local man can only be given if other things are equal. If two political Sufferers or Ex-service men, or land less poor apply for a land, then preference will have to be given to a Local man among them as the claims of these men will be equal. But this principle is not applicable for lands which are already under cultivation by landless poor. In such cases the question of giving preference does not arise. If the Sivoijamandar a Local man on one hand and a Harijan (Local man) on the other hand, apply for a land, the claims of these two cannot be equal, as the rights of Sivoijama Occupation, have to be recognised as per para 3(i) of the G.O. Unless the claims of Non-Local man and a Local man, who apply for a land are equal, the question of giving preference to a Local man does not arise. Para 3 of the G.O.1523/49 does not say that a local man is not eligible for assignment. So the words "Giving preference" clearly mean that both Local man and a Non-Local man are eligible for assignment. The petitioners beg therefore to state, that the Harijans of Machiri village cannot have absolute preference on the ground that they are Local men.

9. The enquiry made by the Collector, Bellary is incomplete. To dispossess a Sivoijamandar, the following facts should have been taken into consideration.

i) whether the Sivoijamndars are landless poor or not as defined in G.O.No.153/49.
ii) Whether any amount was spent towards improvement and whether the Sivoijamndars have recouped the amount spent.(Please see para 3 (iii)
iii) The number of Major members in the family and what the extent of land can be allowed taking into consideration of the number of the major members.

The Collector's orders are hasty and without any proper enquiry.

10. The procedure adopted by the Collector in the enforcement of eviction is most illegal. All the cases were healed upto F.1362 as unobjectionable and only assessment was collected. Notices under sections 7 & 6 were not served on the parties, not were they served as per rules. The procedure adopted is only a farce.

11. The petitioners enclose herewith two statements, one showing the extent of Sivoijama lands and the Patta Lands etc possessed by the petitioners, and another, a statement of the wealthy ryots of Machiri cultivating the extent of Government Lands and the extent of Patta lands possessed by them.

12. Another false information furnished by the District Welfare Officer Bellary, is that an extent of 132 acres is available for assignment in Siddapuram Village. The petitioners represented to the Collector, that out of this extent an area of 32 acres have already been occupied and the remaining extent is saline and unfit for cultivation. The District Welfare Officer, Bellary has cautiously omitted to make a reference to the Tahsildar of Malakalumaruvu, which was the proper course.

13. The lands have already been sown by the petitioners and there is every likelihood of the Harijans destroying the crops and causing loss to the petitioners. The petitioners therefore pray the pending enquiry into this appeal petitions the orders of the Collector may be stayed and the Harijans informed.

14. In conclusion the petitioners, submit that they do realise that the Harijans should be helped, but this help should not be at the cost of another mans' livelihood. The very orders of the Government are violated by the Collector.

/True Copy/

for SECRETARY.

SRD.10/8

F 10/7

-5911-52

Rev. Dept.

To N.S

Please see the Bd's report in para 1-3 onle. The Board has submitted its report with regard to orders in Memo No. 2633/50-J Public (Taxes) dated 21-8-50. No action is called for in this. May be lodged after circulation to M.(LR) and CM

(A)

18/7/52

K. Satyanarayana
18/7/52

M(LR)
CM

Pl circulate
21/7

M.(LR)
22/7

CM

C Ramachandra
26.7.52

Cir 22.7.52

RECEIVED TO GOVERNMENT
24 JUL 1952
REVENUE DEPARTMENT

24 JUL 1952
REVENUE DEPARTMENT

Copy of Office Memorandum No.2633/50-3, Public (Services) d/ 21-8-50.

Instances have come to the notice of the Government where orders passed by competent executive officials are got stayed immediately by the parties concerned by means of stay orders obtained from the Board of Revenue. Such stay orders are, it is noticed, usually issued as a matter of course and cause considerable administrative inconvenience often resulting in very serious dalays. They have also resulted in the defeat of the very purpose for which the original orders were passed by the competent subordinate officers. The Board of Revenue is informed that in future such stay orders should not be issued without calling for a report of the officer against whose order, the stay is sought by the parties. If the grant of the stay order is considered really necessary, the Board should submit the case to the Government for orders.

In exceptionally urgent cases, the Board may grant stay but it should submit a report to Government immediately afterwards.

2. The above instructions will not apply to the issue of stay orders by the Board under any statutory provisions.

Rev. Dept.

Memo. No. 13300 F/52.

Land. Lands (Godavari)